

[116H3269]


.....
(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To establish an independent advisory committee to review certain regulations,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GOTTHEIMER introduced the following bill; which was referred to the
Committee on _____

A BILL

To establish an independent advisory committee to review
certain regulations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cut Red Tape Act
5 of 2022”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

1 (1) the term “Commission” means the Regu-
2 latory Improvement Commission established under
3 section 3;

4 (2) the term “commission bill” means a bill
5 consisting of the proposed legislative language of the
6 Commission recommended under section 4(h)(2)(C)
7 and introduced under section 4(i)(1); and

8 (3) the term “covered regulation” means a reg-
9 ulation that has been finalized not later than 10
10 years before the date on which the Commission is es-
11 tablished.

12 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

13 (a) ESTABLISHMENT.—There is established in the
14 legislative branch a commission to be known as the “Regu-
15 latory Improvement Commission”.

16 (b) MEMBERSHIP.—

17 (1) COMPOSITION.—The Commission shall be
18 composed of 9 members, of whom—

19 (A) 1 member shall be appointed by the
20 President, and shall serve as the Chairperson of
21 the Commission;

22 (B) 2 members shall be appointed by the
23 majority leader of the Senate;

24 (C) 2 members shall be appointed by the
25 minority leader of the Senate;

1 (D) 2 members shall be appointed by the
2 Speaker of the House of Representatives; and

3 (E) 2 members shall be appointed by the
4 minority leader of the House of Representa-
5 tives.

6 (2) DATE.—The appointment of the members
7 of the Commission shall be made not later than 60
8 days after the date of enactment of this Act.

9 (3) QUALIFICATIONS.—

10 (A) CHAIR.—The Chair of the Commission
11 shall be an individual with expertise and experi-
12 ence in rulemaking, such as past Administra-
13 tors of the Office of Information and Regu-
14 latory Affairs, past chairmen of the Administra-
15 tive Conference of the United States, and other
16 individuals with similar expertise and experi-
17 ence in rulemaking affairs and the administra-
18 tion of regulatory reviews.

19 (B) MEMBERS.—Members appointed to the
20 Commission shall be prominent citizens of the
21 United States with national recognition and a
22 significant depth of experience and responsibil-
23 ities in matters relating to government service,
24 regulatory policy, economics, Federal agency
25 management, public administration, and law.

1 (4) LIMITATION.—Not more than 5 members
2 appointed to the Commission may be from the same
3 political party.

4 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
5 bers shall be appointed for the life of the Commission. Any
6 vacancy in the Commission shall not affect its powers, but
7 shall be filled in the same manner as the original appoint-
8 ment.

9 (d) INITIAL MEETING.—Not later than 30 days after
10 the date on which all members of the Commission have
11 been appointed, the Commission shall hold its first meet-
12 ing.

13 (e) MEETINGS.—The Commission shall meet at the
14 call of the Chairman.

15 (f) OPEN TO THE PUBLIC.—Each meeting of the
16 Commission shall be open to the public, unless a member
17 objects.

18 (g) QUORUM.—Five members of the Commission
19 shall constitute a quorum, but a lesser number of members
20 may hold hearings.

21 (h) NONAPPLICABILITY OF THE FEDERAL ADVISORY
22 COMMITTEE ACT.—The Federal Advisory Committee Act
23 (5 U.S.C. App.) shall not apply to the Commission.

1 **SEC. 4. DUTIES OF THE COMMISSION.**

2 (a) **PURPOSE.**—The purpose of the Commission is to
3 evaluate and provide recommendations for modification,
4 consolidation, or repeal of covered regulations with the
5 aim of reducing compliance costs, encouraging growth and
6 innovation, and improving competitiveness, all while pro-
7 tecting public health and safety.

8 (b) **REQUIREMENTS.**—In carrying out subsection (a),
9 the Commission shall—

10 (1) give priority in its analysis of covered regu-
11 lations to those that—

12 (A) impose disproportionately high costs
13 on a small entity (as defined in section 601 of
14 title 5, United States Code);

15 (B) impose substantial paperwork burdens;
16 or

17 (C) could be strengthened in their effec-
18 tiveness while reducing regulatory costs;

19 (2) solicit and review comments from the public
20 on the covered regulations described this section;
21 and

22 (3) develop a set of covered regulations to mod-
23 ify, consolidate, or repeal to be submitted to Con-
24 gress for an up-or-down vote.

25 (c) **PUBLIC COMMENTS.**—

1 (1) IN GENERAL.—Not later than 60 days after
2 the date of the initial meeting of the Commission,
3 the Commission shall initiate a process to solicit and
4 collect written recommendations from the general
5 public, interested parties, Federal agencies, and
6 other relevant entities regarding which covered regu-
7 lations should be examined.

8 (2) SUBMISSION OF PUBLIC COMMENTS.—The
9 Commission shall ensure that the process initiated
10 under paragraph (1) allows for recommendations to
11 be submitted to the Commission through the Web
12 site of the Commission or by mail.

13 (3) LENGTH OF PUBLIC COMMENT PERIOD.—
14 The period for the submission of recommendations
15 under this subsection shall end 120 days after the
16 date on which the process is initiated under para-
17 graph (1).

18 (4) PUBLICATION.—At the end of the period for
19 the submission of recommendations under this sub-
20 section, all submitted recommendations shall be pub-
21 lished in the Federal Register and on the Web site
22 of the Commission.

23 (d) COMMISSION OUTREACH.—

24 (1) IN GENERAL.—During the public comment
25 period described in subsection (c), the Commission

1 shall conduct public outreach and convene focus
2 groups to better inform the commissioners of the
3 public's interest and possible contributions to the
4 work of the Commission.

5 (2) FOCUS GROUPS.—The focus groups re-
6 quired under paragraph (1) shall include individuals
7 affiliated with the Office of Information and Regu-
8 latory Affairs, the Administrative Conference of the
9 United States, the offices within Federal agencies
10 responsible for small business affairs and regulatory
11 compliance, and, at the discretion of the Commis-
12 sion, other relevant stakeholders from within or out-
13 side the regulatory entities.

14 (e) COMMISSION REVIEW OF PUBLIC COMMENTS.—
15 Not later than 45 days after the date on which the period
16 for the submission of recommendations ends under sub-
17 section (c), the Commission shall convene to review sub-
18 mitted recommendations and to identify covered regula-
19 tions to modify, consolidate, or eliminate.

20 (f) EXAMINATION OF REGULATIONS.—

21 (1) PROCESS FOR EXAMINATION.—In exam-
22 ining covered regulations under this section, the
23 Commission shall determine the effectiveness of indi-
24 vidual covered regulations, by using multiple re-
25 sources, including quantitative metrics, testimony

1 from industry and agency experts, and research
2 from the staff of the Commission.

3 (2) DEADLINE.—Not later than 1 year after
4 the date on which the Commission convenes under
5 subsection (e), the Commission shall complete a sub-
6 stantial examination of covered regulations.

7 (g) INITIAL REPORT.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date on which the Commission convenes under
10 subsection (e), the Commission shall publish, and
11 make available to the public for comment, a report,
12 which shall include—

13 (A) the findings and conclusions of the
14 Commission for the improvement of covered
15 regulations examined by the Commission; and

16 (B) a list of recommendations for changes
17 to the covered regulations examined by the
18 Commission, which may include recommenda-
19 tions for modification, consolidation, or repeal
20 of such covered regulations.

21 (2) REQUIREMENT.—The report required under
22 paragraph (1) shall be approved by not fewer than
23 5 members of the Commission.

24 (3) AVAILABILITY OF REPORT.—The Commis-
25 sion shall make the report required under paragraph

1 (1) available through the Web site of the Commis-
2 sion and in printed form.

3 (4) PUBLIC COMMENT PERIOD.—During the
4 90-day period beginning on the date on which the
5 report required under paragraph (1) is published,
6 the Commission shall—

7 (A) solicit comments from the public on
8 such report, using the same process established
9 under subsection (c); and

10 (B) publish any comments received under
11 subparagraph (A) in the Federal Register and
12 the Web site of the Commission.

13 (5) CONSULTATION.—

14 (A) IN GENERAL.—Not later than 90 days
15 after the date on which the report required
16 under paragraph (1) is published, the Commis-
17 sion shall complete a consultation with the
18 chairman and ranking member of the commit-
19 tees of jurisdiction in the House of Representa-
20 tives and Senate regarding the contents of the
21 report.

22 (B) REQUIREMENTS.—The consultation re-
23 quired under subparagraph (A) shall provide—

24 (i) the opportunity for the chair and
25 ranking member of the committees of ju-

1 jurisdiction to provide substantive feedback
2 or recommendations related to the regu-
3 latory changes contained in the report re-
4 quired under paragraph (1); and

5 (ii) the opportunity for the chair and
6 ranking member of the committees of ju-
7 risdiction to provide recommendations for
8 alternative means of achieving a reduction
9 in regulatory costs while maintaining the
10 same level of benefits to society.

11 (h) REPORT TO CONGRESS.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date on which the 90-day period described in
14 subsection (g)(4) ends, the Commission shall—

15 (A) review any comments received under
16 subsection (g)(4);

17 (B) incorporate any relevant comments re-
18 ceived under subsection (g)(4) into the report
19 required under subsection (g)(1); and

20 (C) submit the revised report to Congress.

21 (2) CONTENTS.—The revised report required to
22 be submitted to Congress under paragraph (1) shall
23 include—

1 (A) the findings and conclusions of the
2 Commission for the improvement of covered
3 regulations examined by the Commission;

4 (B) a list of recommendations for changes
5 to the covered regulations examined by the
6 Commission, which may include recommenda-
7 tions for modification, consolidation, or repeal
8 of such covered regulations; and

9 (C) recommended legislative language to
10 implement the recommendations in subpara-
11 graph (B).

12 (i) CONGRESSIONAL CONSIDERATION OF COMMIS-
13 SION REPORT.—

14 (1) INTRODUCTION.—If approved by 5 members
15 of the Commission, as required under subsection
16 (g)(2), the Commission bill shall be introduced in
17 the Senate (by request) on the next day on which
18 the Senate is in session by the majority leader of the
19 Senate or by a Member of the Senate designated by
20 the majority leader of the Senate and shall be intro-
21 duced in the House of Representatives (by request)
22 on the next legislative day by the majority leader of
23 the House or by a Member of the House designated
24 by the majority leader of the House.

1 (2) CONSIDERATION IN THE HOUSE OF REP-
2 RESENTATIVES.—

3 (A) REFERRAL AND REPORTING.—Any
4 committee of the House of Representatives to
5 which the commission bill is referred shall re-
6 port it to the House without amendment not
7 later than 30 days after the date on which the
8 commission bill is introduced under paragraph
9 (1). If a committee fails to report the commis-
10 sion bill within that period, it shall be in order
11 to move that the House discharge the com-
12 mittee from further consideration of the com-
13 mission bill. Such a motion shall not be in order
14 after the last committee authorized to consider
15 the commission bill reports it to the House or
16 after the House has disposed of a motion to
17 discharge the commission bill. The previous
18 question shall be considered as ordered on the
19 motion to its adoption without intervening mo-
20 tion except 3 hours of debate equally divided
21 and controlled by the proponent and an oppo-
22 nent. If such a motion is adopted, the House
23 shall proceed immediately to consider the com-
24 mission bill in accordance with subparagraphs
25 (B) and (C). A motion to reconsider the vote by

1 which the motion is disposed of shall not be in
2 order.

3 (B) PROCEEDING TO CONSIDERATION.—

4 After the last committee authorized to consider
5 the commission bill reports it to the House or
6 has been discharged (other than by motion)
7 from its consideration, it shall be in order to
8 move to proceed to consider the commission bill
9 in the House. Such a motion shall not be in
10 order after the House has disposed of a motion
11 to proceed with respect to the commission bill.
12 The previous question shall be considered as or-
13 dered on the motion to its adoption without in-
14 tervening motion. A motion to reconsider the
15 vote by which the motion is disposed of shall
16 not be in order.

17 (C) CONSIDERATION.—The commission bill
18 shall be considered as read. All points of order
19 against the commission bill and against its con-
20 sideration are waived. The previous question
21 shall be considered as ordered on the commis-
22 sion bill to its passage without intervening mo-
23 tion except 10 hours of debate equally divided
24 and controlled by the proponent and an oppo-
25 nent and one motion to limit debate on the

1 commission bill. A motion to reconsider the vote
2 on passage of the commission bill shall not be
3 in order.

4 (D) VOTE ON PASSAGE.—The vote on pas-
5 sage of the commission bill shall occur not later
6 than 60 days after the date on which the com-
7 mission bill is discharged from the last com-
8 mittee authorized to consider the commission
9 bill.

10 (3) CONSIDERATION IN THE SENATE.—

11 (A) COMMITTEE CONSIDERATION.—A com-
12 mission bill introduced in the Senate under
13 paragraph (1) shall be jointly referred to the
14 committee or committees of jurisdiction, which
15 committees shall report the bill without any re-
16 vision and with a favorable recommendation, an
17 unfavorable recommendation, or without rec-
18 ommendation, not later than 30 days after the
19 date on which the commission bill is introduced.
20 If any committee fails to report the bill within
21 that period, that committee shall be automati-
22 cally discharged from consideration of the bill,
23 and the bill shall be placed on the appropriate
24 calendar.

1 (B) MOTION TO PROCEED.—Notwith-
2 standing Rule XXII of the Standing Rules of
3 the Senate, it is in order, not later than 2 days
4 of session after the date on which a commission
5 bill is reported or discharged from all commit-
6 tees to which it was referred, for the majority
7 leader of the Senate or the majority leader's
8 designee to move to proceed to the consider-
9 ation of the commission bill. It shall also be in
10 order for any Member of the Senate to move to
11 proceed to the consideration of the commission
12 bill at any time after the conclusion of such 2-
13 day period. A motion to proceed is in order
14 even though a previous motion to the same ef-
15 fect has been disagreed to. All points of order
16 against the motion to proceed to the commis-
17 sion bill are waived. The motion to proceed is
18 not debatable. The motion is not subject to a
19 motion to postpone. A motion to reconsider the
20 vote by which the motion is agreed to or dis-
21 agreed to shall not be in order. If a motion to
22 proceed to the consideration of the commission
23 bill is agreed to, the commission bill shall re-
24 main the unfinished business until disposed of.

1 (C) CONSIDERATION.—All points of order
2 against the commission bill and against consid-
3 eration of the commission bill are waived. Con-
4 sideration of the commission bill and of all de-
5 batable motions and appeals in connection
6 therewith shall not exceed a total of 10 hours
7 which shall be divided equally between the ma-
8 jority and minority leaders or their designees. A
9 motion further to limit debate on the commis-
10 sion bill is in order, shall require an affirmative
11 vote of a majority of the Members duly chosen
12 and sworn, and is not debatable. Any debatable
13 motion or appeal is debatable for not to exceed
14 1 hour, to be divided equally between those fa-
15 voring and those opposing the motion or appeal.
16 All time used for consideration of the commis-
17 sion bill, including time used for quorum calls
18 and voting, shall be counted against the total
19 10 hours of consideration.

20 (D) NO AMENDMENTS.—An amendment to
21 the commission bill, or a motion to postpone, or
22 a motion to proceed to the consideration of
23 other business, or a motion to recommit the
24 commission bill, is not in order.

1 (E) VOTE ON PASSAGE.—If the Senate has
2 voted to proceed to the commission bill, the vote
3 on passage of the commission bill shall occur
4 immediately following the conclusion of the de-
5 bate on a commission bill, and a single quorum
6 call at the conclusion of the debate if requested.
7 The vote on passage of the commission bill shall
8 occur not later than 60 days after the date on
9 which the commission bill is discharged from all
10 committees to which the commission bill was re-
11 ferred.

12 (F) RULINGS OF THE CHAIR ON PROCE-
13 DURE.—Appeals from the decisions of the Chair
14 relating to the application of the rules of the
15 Senate, as the case may be, to the procedure re-
16 lating to a commission bill shall be decided
17 without debate.

18 (4) AMENDMENT.—The commission bill shall
19 not be subject to amendment in either the House of
20 Representatives or the Senate.

21 (5) CONSIDERATION BY THE OTHER HOUSE.—

22 (A) IN GENERAL.—If, before passing the
23 commission bill, one House receives from the
24 other a commission bill—

1 (i) the commission bill of the other
2 House shall not be referred to a com-
3 mittee; and

4 (ii) the procedure in the receiving
5 House shall be the same as if no commis-
6 sion bill had been received from the other
7 House until the vote on passage, when the
8 commission bill received from the other
9 House shall supplant the commission bill
10 of the receiving House.

11 (B) REVENUE MEASURE.—This subsection
12 shall not apply to the House of Representatives
13 if the commission bill received from the Senate
14 is a revenue measure.

15 (6) RULES TO COORDINATE ACTION WITH
16 OTHER HOUSE.—

17 (A) TREATMENT OF COMMISSION BILL OF
18 OTHER HOUSE.—If the Senate fails to introduce
19 or consider a commission bill under this section,
20 the commission bill of the House shall be enti-
21 tled to expedited floor procedures under this
22 section.

23 (B) TREATMENT OF COMPANION MEAS-
24 URES IN THE SENATE.—If following passage of
25 the commission bill in the Senate, the Senate

1 then receives the commission bill from the
2 House of Representatives, the House-passed
3 commission bill shall not be debatable. The vote
4 on passage of the commission bill in the Senate
5 shall be considered to be the vote on passage of
6 the commission bill received from the House of
7 Representatives.

8 (C) VETOES.—If the President vetoes the
9 commission bill, debate on a veto message in
10 the Senate under this section shall be 1 hour
11 equally divided between the majority and minor-
12 ity leaders or their designees.

13 (j) NOTICE TO REGULATORY AGENCIES.—

14 (1) ENACTMENT OF COMMISSION BILL.—If the
15 commission bill is enacted into law, the President
16 shall—

17 (A) not later than 7 days after the date on
18 which the commission bill is enacted into law—

19 (i) provide notice to the affected regu-
20 latory agencies; and

21 (ii) publish notice of enactment in the
22 Federal Register and online; and

23 (B) require affected regulatory agencies to
24 implement the commission bill not later than

1 180 days after the date on which the commis-
2 sion bill is enacted into law.

3 (2) FAILURE TO ENACT COMMISSION BILL.—If
4 the commission bill is not enacted into law, the
5 President shall provide notice of such failure to
6 enact the commission bill in the Federal Register.

7 (k) ADJOURNMENT OF CONGRESS.—If the commis-
8 sion bill is introduced less than 60 session days or 60 leg-
9 islative days before the date on which Congress adjourns
10 sine die—

11 (1) the commission bill shall be introduced in
12 both Houses on the date on which the succeeding
13 Congress first convenes its next session; and

14 (2) subsection (i) shall apply to the commission
15 bill during the succeeding Congress.

16 **SEC. 5. POWERS OF THE COMMISSION.**

17 (a) HEARINGS.—The Commission may hold such
18 hearings, sit and act at such times and places, take such
19 testimony, and receive such evidence as the Commission
20 considers advisable to carry out this Act.

21 (b) INFORMATION FROM FEDERAL AGENCIES.—

22 (1) IN GENERAL.—The Commission is author-
23 ized to secure directly from any executive depart-
24 ment, bureau, agency, board, commission, office,
25 independent establishment, or instrumentality of the

1 Government, information, suggestions, estimates,
2 and statistics for the purpose of this Act. Each de-
3 partment, bureau, agency, board, commission, office,
4 independent establishment, or instrumentality shall,
5 to the extent authorized by law, furnish such infor-
6 mation, suggestions, estimates, and statistics di-
7 rectly to the Commission, upon request made by the
8 chairman, the chairman of any subcommittee cre-
9 ated by the Commission, or any member designated
10 by a majority of the Commission.

11 (2) RECEIPT, HANDLING, STORAGE, AND DIS-
12 SEMINATION.—Information shall only be received,
13 handled, stored, and disseminated by members of
14 the Commission and its staff consistent with all ap-
15 plicable statutes, regulations, and Executive orders.

16 (c) POSTAL SERVICES.—The Commission may use
17 the United States mails in the same manner and under
18 the same conditions as other departments and agencies of
19 the Federal Government.

20 (d) GIFTS.—The Commission may accept, use, and
21 dispose of gifts or donations of services or property.

22 (e) SPACE FOR USE OF COMMISSION.—Not later
23 than 60 days after the date of enactment of this Act, the
24 Administrator of General Services shall support on a reim-
25 bursable basis the operations of the Commission, including

1 the identification of suitable space to house the Commis-
2 sion. If the Administrator is not able to make such suit-
3 able space available within the 60-day period, the Commis-
4 sion shall lease space to the extent that funds are avail-
5 able.

6 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

7 (a) COMPENSATION OF MEMBERS.—Each member of
8 the Commission shall be compensated at a rate equal to
9 the daily equivalent of the annual rate of basic pay pre-
10 scribed for level IV of the Executive Schedule under sec-
11 tion 5315 of title 5, United States Code, for each day (in-
12 cluding travel time) during which such member is engaged
13 in the performance of the duties of the Commission.

14 (b) TRAVEL EXPENSES.—The members of the Com-
15 mission shall be allowed travel expenses, including per
16 diem in lieu of subsistence, at rates authorized for employ-
17 ees of agencies under subchapter I of chapter 57 of title
18 5, United States Code, while away from their homes or
19 regular places of business in the performance of services
20 for the Commission.

21 (c) STAFF.—

22 (1) IN GENERAL.—The Chairman of the Com-
23 mission may, without regard to the civil service laws
24 and regulations, appoint and terminate an executive
25 director and such other additional personnel as may

1 be necessary to enable the Commission to perform
2 its duties. The employment of an executive director
3 shall be subject to confirmation by the Commission.

4 (2) COMPENSATION.—The Chairman of the
5 Commission may fix the compensation of the execu-
6 tive director and other personnel without regard to
7 chapter 51 and subchapter III of chapter 53 of title
8 5, United States Code, relating to classification of
9 positions and General Schedule pay rates, except
10 that the rate of pay for the executive director and
11 other personnel may not exceed the rate payable for
12 level V of the Executive Schedule under section 5316
13 of such title.

14 (3) AGENCY ASSISTANCE.—Following consulta-
15 tion with and upon the request of the Chairman of
16 the Commission, the head of any agency may detail
17 an employee of the agency to the Commission with-
18 out reimbursement, and such detail shall be without
19 interruption or loss of civil service status or privi-
20 lege.

21 (4) GAO AND OIRA ASSISTANCE.—The Comp-
22 troller General of the United States and the Admin-
23 istrator of the Office of Information and Regulatory
24 Affairs shall provide assistance, including the detail-
25 ing of employees, to the Commission in accordance

1 with an agreement entered into with the Commis-
2 sion.

3 (d) PROCUREMENT OF TEMPORARY AND INTERMIT-
4 TENT SERVICES.—The Chairman of the Commission may
5 procure temporary and intermittent services under section
6 3109(b) of title 5, United States Code, at rates for individ-
7 uals which do not exceed the daily equivalent of the annual
8 rate of basic pay prescribed for level V of the Executive
9 Schedule under section 5316 of such title.

10 (e) CONTRACTING AUTHORITY.—The Commission
11 may acquire administrative supplies and equipment for
12 Commission use to the extent funds are available.

13 (f) ADMINISTRATIVE SUPPORT.—Upon the request of
14 the Commission, the Administrator of General Services
15 shall provide to the Commission, on a reimbursable basis,
16 the administrative support services necessary for the Com-
17 mission to carry out its responsibilities under this Act.

18 **SEC. 7. TERMINATION OF THE COMMISSION.**

19 The Commission shall terminate 90 days after the
20 date on which the Commission submits its report under
21 section 4.

22 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) IN GENERAL.—There are authorized to be appro-
24 priated such sums as may be necessary to the Commission
25 to carry out this Act.

1 (b) AVAILABILITY.—Any sums appropriated under
2 the authorization contained in this section shall remain
3 available, without fiscal year limitation, until expended.